

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LAMUEL WILSON,

Plaintiff,

ANSWER

- against -

08 CIV. 0994 (RMB)

THE CITY OF NEW YORK,

City file No. 2008-003349

Defendant.
-----X

Defendant, THE CITY OF NEW YORK, by its attorney MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, answers the complaint as follows:

1. Admits the allegations set forth in paragraph "1" of the complaint.
2. Admits the allegations set forth in paragraph "2" of the complaint.
3. Admits the allegations set forth in paragraph "3" of the complaint.
4. Admits the allegations set forth in paragraph "4" of the complaint.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "5" of the complaint..
6. Denies the allegations set forth in paragraph "6" of the complaint.
7. Denies the allegations set forth in paragraph "7" of the complaint.
8. Denies the allegations set forth in paragraph "8" of the complaint.
9. In response to the allegations set forth in paragraph "9" of the complaint, defendant repeats and realleges the responses set forth in paragraphs 1-8 of this answer.
10. Denies the allegations set forth in paragraph "10" of the complaint.


AFFIRMATIVE DEFENSES

11. The plaintiff fails to state a claim upon which relief can be granted.
12. The injuries and/or damages alleged to have been sustained by the plaintiff were caused in whole or in part by the culpable conduct of said plaintiff.
13. The plaintiff has failed to mitigate the injuries and/or damages alleged to have been sustained by plaintiff.
14. Where plaintiff seeks to recover damages pursuant to this action, any such costs or expenses from any collateral source shall reduce any judgment rendered in favor of plaintiff as against defendant.

WHEREFORE, defendant CITY OF NEW YORK demands judgment dismissing the complaint and awarding costs together with what other and further relief as the Court may deem just and proper.

Dated: New York, New York
February 27, 2008

By:


Anshel David (AD4295)
Assistant Corporation Counsel
(212) 788-0602

MICHAEL A. CARDOZO
Corporation Counsel
City of New York
100 Church Street
New York, New York 10007

TO: Bernard D. Friedman, Esq.
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Attorneys for Plaintiff
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New York, NY 10038

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ANSWER

MICHAEL A. CARDOZO
Corporation Counsel of the City of New
York

Attorney for the City of New York
100 Church Street
New York, N.Y. 10007

Of Counsel: Anshel David
Tel: (212) 788-0602
FILE No. 2008-003349

Due and timely service is hereby admitted.

New York, N.Y. , 200 . . .

..... Esq.

Attorney for